

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

#### RESOLUTION NO. Z-19-04

WHEREAS, JOSE MILTON TRUST had applied to Community Zoning Appeals

Board 5 for the following:

- (1) BU-1A to RU-4

#### REQUEST #1 ON THE SOUTHERN TRACT

- (2) UNUSUAL USE for entrance features – to wit: gated entrances, guardhouses and a decorative fountain.
- (3) Applicant is requesting to permit 29 street trees (49 required), 189 lot trees (541 required) and 4,823 shrubs (5,900 required).

#### REQUESTS #2 & #3 ON THE NORTHERN AND SOUTHERN TRACTS

- (4) MODIFICATION of Condition #3 of Resolution Z-190-71, passed and adopted by the Board of County Commissioners and last modified by Resolution 4-ZAB-98-85, passed and adopted by The Zoning Appeals Board, reading as follows:

FROM: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Apartments Conversion for Country Club Towers', as prepared by Salvador M. Cruxent, Architect, dated 12-20-84, and consisting of 3 pages."

TO: "3. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Country Club Towers Second Phase II', as prepared by Salvador M. Cruxent, consisting of 12 sheets – Sheets A1.1 & A1.2 dated last revised 01/08/04, A1.3 through A5.2 dated last revised 1/6/04 and landscape plans entitled 'Phase II Country Club Towers Apartment Complex,' as prepared by EGS2 Corp., consisting of 5 sheets, dated signed and sealed 1/6/04.

The purpose of this request is to permit the applicant to submit revised site plans for expansion of a residential apartment development onto additional property to the south..

- (5) DELETION of three (3) agreements as recorded in Official Records Book 7397, Pages 597 through 603, Official Records Book 7397, Pages 604 through 609 and Official Records Book 7397, Pages 620 through 625.

The purpose of this request is to allow the applicant to release the aforementioned agreements from the subject property, which tied the residential parcel to a site plan.

## REQUESTS #4 & #5 ON THE NORTHERN TRACT

Upon a demonstration that the applicable standards have been satisfied, approval of request #3 may be considered under §33-311(A)(15) (Alternative Site Development Option for Multiple-Family Use) OR §33-311(a)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of requests #4 & #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing). The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: NORTHERN TRACT: Tract "A", COUNTRY CLUB TOWERS, Plat book 117, Page 2. AND: SOUTHERN TRACT: Tract "A", COUNTRY CLUB OF MIAMI VILLAGE CENTER, Plat book 99, Page 61.

LOCATION: The Southeast corner of N.W. 186 Street, & N.W. 68 Avenue, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 5 that the requested district boundary change to RU-4 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requested unusual use (Item #2), the request to permit 29 street trees, 189 lot trees, and 4,823 shrubs (Item #3), the requested modification of Condition #3 of Resolution Z-190-71 (Item #4), and deletion (Item #5) would not be compatible with the area and its development and would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested unusual use would have an adverse impact upon the public interest and should be denied without prejudice, and said application was denied by Resolution No. CZAB5-4-04, and

WHEREAS, JOSE MILTON TRUST appealed the decision of Community Zoning Appeals Board 5 to the Board of County Commissioners for the following:

- (1) BU-1A to RU-4

REQUEST #1 ON THE SOUTHERN TRACT

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- (3) Applicant is requesting to permit 29 street trees (49 required), 189 lot trees (541 required) and 4,823 shrubs (5,900 required).

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Variance) and approval of requests #4 & #5 may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

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LOCATION: The Southeast corner of N.W. 186 Street, & N.W. 68 Avenue, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant requested permission to withdraw the appeal, and

*WHEREAS*, after reviewing the record and decision of Community Zoning Appeals Board 5 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the requested to withdraw the appeal should be granted, and

*WHEREAS*, a motion to grant the withdrawal of the appeal without prejudice was offered by Commissioner Natacha Seijas, seconded by Commissioner Barbara M. Carey-Shuler, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	absent	Dorrin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	absent
Joe A. Martinez	absent	Rebeca Sosa	absent
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler      aye


*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that the request to withdraw the appeal be and the same is hereby granted without prejudice.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB5-4-04 shall remain in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 13<sup>th</sup> day of May, 2004, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-2-CZ5-1  
ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida  
By   
Deputy Clerk

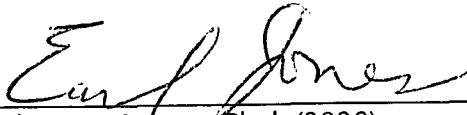
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 24<sup>TH</sup> DAY OF MAY, 2004.

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-19-04 adopted by said Board of County Commissioners at its meeting held on the 13<sup>th</sup> day of May, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 24<sup>th</sup> day of May, 2004.



Earl Jones, Deputy Clerk (3230)

Miami-Dade County Department of Planning and Zoning

**SEAL**



MIAMI-DADE COUNTY, FLORIDA



DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

☐ 111 NW 1 STREET, SUITE 1210  
MIAMI, FLORIDA 33128  
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street  
MIAMI, FLORIDA 33175

☐ IMPACT FEE SECTION  
(786) 315-2670 • SUITE 145

☐ ZONING INSPECTION SECTION  
(786) 315-2660 • SUITE 223

☐ ZONING PERMIT SECTION  
(786) 315-2666 • SUITE 106

☐ ZONING PLANS PROCESSING SECTION  
(786) 315-2650 • SUITE 113

May 27, 2004

Jose Milton Trust  
c/o William Riley  
200 South Biscayne Boulevard, Suite 2500  
Miami, Florida 33131-5340

Re: Hearing No. 04-2-CZ5-1  
Location: The Southeast corner of N.W. 186 Street,  
& N.W. 68 Avenue, Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-19-04, adopted by the Board of County Commissioners, which granted your withdrawal of your appeal without prejudice on the above described property.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosures